

# AIR NAVIGATION (CHARGES) AMENDMENT ACT 1978

No. 176 of 1978

An Act to amend the *Air Navigation (Charges) Act 1952*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,  
&c.

1. (1) This Act may be cited as the *Air Navigation (Charges) Amendment Act 1978*.<sup>1</sup>

(2) The *Air Navigation (Charges) Act 1952*<sup>2</sup> is in this Act referred to as the Principal Act.

Commence-  
ment

2. This Act shall come into operation on 1 December 1978.

Interpret-  
ation

3. Section 2 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(3) The weight of an aircraft shall, for the purposes of this Act, be taken to be—

- (a) the weight that is for the time being fixed by the Secretary, under sub-section (4), as the weight of an aircraft of that type for the purposes of this Act; or
- (b) if there is no weight so fixed—the maximum all-up weight of the aircraft.

“(4) The Secretary may, by notice published in the *Gazette*, fix the weight of an aircraft of any type for the purposes of this Act, being—

- (a) the weight that he is satisfied is the maximum all-up weight of an aircraft of that type; or
- (b) such lesser weight as he considers appropriate.”.

Schedule 1—  
paragraph 7

4. Paragraph 7 of Schedule 1 of the Principal Act is omitted and the following paragraph is substituted:

“7. (1) For the purposes of this Schedule, the unit charge for an aircraft that is not operated by Qantas Airways Limited or by the holder of an international airline licence issued under the *Air Navigation Act 1920* is—

- (a) if the weight of the aircraft is not more than 700 kilogrammes—10 cents;
- (b) if the weight of the aircraft is more than 700 kilogrammes but not more than 9,000 kilogrammes—17.5 cents for each 450 kilogrammes, or part of 450 kilogrammes, of the weight of the aircraft;
- (c) if the weight of the aircraft is more than 9,000 kilogrammes but not more than 20,000 kilogrammes—\$3.50 plus 41.9 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 9,000 kilogrammes;

- (d) if the weight of the aircraft is more than 20,000 kilogrammes but not more than 100,000 kilogrammes—\$12.71 plus 51.5 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 20,000 kilogrammes; or
- (e) if the weight of the aircraft is more than 100,000 kilogrammes—\$95.11 plus 47.7 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes.

“(2) For the purposes of this Schedule, the unit charge for an aircraft operated by Qantas Airways Limited or by the holder of an international airline licence issued under the *Air Navigation Act 1920* is—

- (a) if the weight of the aircraft is not more than 700 kilogrammes—9 cents;
- (b) if the weight of the aircraft is more than 700 kilogrammes but not more than 9,000 kilogrammes—15.2 cents for each 450 kilogrammes, or part of 450 kilogrammes, of the weight of the aircraft;
- (c) if the weight of the aircraft is more than 9,000 kilogrammes but not more than 20,000 kilogrammes—\$3.04 plus 36.4 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 9,000 kilogrammes;
- (d) if the weight of the aircraft is more than 20,000 kilogrammes but not more than 100,000 kilogrammes—\$11.05 plus 44.8 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 20,000 kilogrammes; or
- (e) if the weight of the aircraft is more than 100,000 kilogrammes—\$82.73 plus 41.5 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes.”

**5. Paragraph 4 of Schedule 2 of the Principal Act is omitted and the following paragraphs are substituted:**

Schedule 2—  
paragraphs 4  
and 4A

“4. An aircraft that is not an aircraft of any of the types described in column 1 of the table in sub-paragraph 3 (1) shall, for the purposes of this Schedule, be deemed to be a private aircraft.

“4A. For the purposes of this Schedule, the unit charge for an aircraft is—

- (a) if the weight of the aircraft is not more than 700 kilogrammes—10 cents;
- (b) if the weight of the aircraft is more than 700 kilogrammes but not more than 9,000 kilogrammes—17.5 cents for each 450 kilogrammes, or part of 450 kilogrammes, of the weight of the aircraft;
- (c) if the weight of the aircraft is more than 9,000 kilogrammes but not more than 20,000 kilogrammes—\$3.50 plus 41.9 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 9,000 kilogrammes;
- (d) if the weight of the aircraft is more than 20,000 kilogrammes but not more than 100,000 kilogrammes—\$12.71 plus 51.5 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 20,000 kilogrammes; or
- (e) if the weight of the aircraft is more than 100,000 kilogrammes—\$95.11 plus 47.7 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes.”

**6. Paragraph 3 of Schedule 3 of the Principal Act is amended by omitting sub-paragraph (2) and substituting the following sub-paragraph:**

Schedule 3—  
paragraph 3

“(2) For the purposes of sub-paragraph (1), the relevant period, in relation to an aircraft, is the period from the date on which the aircraft entered Australia until—

- (i) the date of the departure of the aircraft from Australia; or
- (ii) if the aircraft becomes registered under the Air Navigation Regulations while in Australia—the date of the registration of the aircraft under those Regulations.”

Schedule 3—  
paragraph  
3A

7. After paragraph 3 of Schedule 3 of the Principal Act the following paragraph is inserted:

“3A. For the purposes of this Schedule, the unit charge for an aircraft is—

- (a) if the weight of the aircraft is not more than 700 kilogrammes—9 cents;
- (b) if the weight of the aircraft is more than 700 kilogrammes but not more than 9,000 kilogrammes—15.2 cents for each 450 kilogrammes, or part of 450 kilogrammes, of the weight of the aircraft;
- (c) if the weight of the aircraft is more than 9,000 kilogrammes but not more than 20,000 kilogrammes—\$3.04 plus 36.4 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 9,000 kilogrammes;
- (d) if the weight of the aircraft is more than 20,000 kilogrammes but not more than 100,000 kilogrammes—\$11.05 plus 44.8 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 20,000 kilogrammes; or
- (e) if the weight of the aircraft is more than 100,000 kilogrammes—\$82.73 plus 41.5 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes.”

Formal  
amendments

8. The Principal Act is amended as set out in the Schedule.

Application  
of  
amendments

9. To the extent that the amendments of the Principal Act made by this Act affect a charge payable in respect of a year of registration of an aircraft or a charge payable by the owner of a foreign aircraft in respect of a week or part of a week, those amendments apply in the case of such a charge that is payable in respect of a year, or in respect of a week or part of a week, commencing on or after 1 December 1978.

## SCHEDULE

Section 8

### FORMAL AMENDMENTS

The Principal Act is amended as set out in the following table:

Provision	Amendment
Sub-section 6 (3)	Omit “One thousand dollars”, substitute “\$1,000”.
Sub-paragraph 2A (1) of Schedule 1	Omit “two”, substitute “2”.
Paragraph 3 of Schedule 1	Omit “two” (wherever occurring), substitute “2”.
Sub-paragraph 4 (1A) of Schedule 1	(a) Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (1)”.
	(b) Omit “two”, substitute “2”.
Paragraph 5 of Schedule 1	Omit “two”, (wherever occurring) substitute “2”.
Sub-paragraph 5A (1) of Schedule 1	Omit “the next succeeding sub-paragraph”, substitute “sub-paragraph (2)”.
Sub-paragraph 6 (1) of Schedule 1	Omit “the next succeeding paragraph”, substitute “sub-paragraph (2)”.
Sub-paragraph 6 (2) of Schedule 1	Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (1)”.
Clause 8 (da) of Schedule 1	Omit “a part of the Defence Force of the Commonwealth”, substitute “an arm of the Defence Force”.
Sub-paragraph 2 (2) of Schedule 2	Omit “twelve”, substitute “12”.
Sub-paragraph 3 (2) of Schedule 2	Omit “fifty-two”, substitute “52”.
Sub-paragraph 3 (3) of Schedule 2	Omit “, sub-paragraph (3) of paragraph 10, and sub-paragraph (2) of paragraph 11”, substitute “and sub-paragraphs 10 (3) and 11 (2)”.

## SCHEDULE—continued

Provision	Amendment
Sub-paragraph 3 (4) of Schedule 2	Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (3)”.
Paragraph 7 of Schedule 2	Omit “four”, substitute “4”.
Paragraph 8 of Schedule 2	Omit “four”, substitute “4”.
Paragraph 9 of Schedule 2	Omit “four”, substitute “4”.
Sub-paragraph 10 (1) of Schedule 2	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.
Clause 11 (3) (b) of Schedule 2	Omit “fourteen”, substitute “14”.
Paragraph 4A of Schedule 3	Omit “a part of the Defence Force of the Commonwealth”, substitute “an arm of the Defence Force”.
Sub-paragraph 6 (1) of Schedule 3	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.

## NOTES

1. Act No. 176, 1978; assented to 28 November 1978.
2. Act No. 101, 1952, as amended. For previous amendments *see* Act No. 87, 1957; No. 49, 1960; No. 78, 1962; No. 97, 1963; No. 95, 1964; Nos. 107 and 125, 1965; No. 48, 1966; No. 79, 1967; No. 84, 1968; No. 75, 1969; No. 105, 1970; No. 100, 1972; No. 179, 1973; No. 114, 1974; and Nos. 5 and 124, 1976.